

## **REMARKS**

Applicants thank the Examiner for the Office Action of May 12, 2008. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application. Claims 16-17 have been amended to correct a misspelling.

### **Objections to the Drawings:**

In the Office Action, the Examiner objected to the Drawings as failing to show the four zones. Applicants have amended claims 11 and 19 to clarify that there are at least first, second, third, and fourth zones. As seen in the Specification on page 3, the first zone is reference character 3, the second zone is reference character 13, the third zone is reference character 15, and the fourth zone is reference character 5. Thus, the objection should be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 112:**

Claims 15-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being. Applicants inadvertently and unintentionally introduced a typographical error into claim 15 when presenting new claim 15 from the claim 5 originally present in the PCT application. They have amended claim 15 to recite that the mobile structure comprises a slide sliding on partition walls and that the partition walls define the zones. Thus, the rejection should be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 102:**

Claims 11 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by German patent publication DE 197 40 392 A1 (Muller). Applicants have amended the claims to recite an onboard system for delivering respiratory gas to a mask connected to a user fluid circuit and Muller fails to disclose the limitation. Thus, Applicants respectfully request that the rejection be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 103(a):**

Claims 1-13, 15-18 and 20-23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over British patent publication GB 1,022,574 (Maskell) in view of Muller. Applicants respectfully traverse because there would be no motivation for one of ordinary skill in the art to modify the breathing apparatus of Maskell with

the device of Maskell in the manner suggested by the Examiner. Maskell teaches a demand type breathing apparatus having an outlet and two pressurized gas sources. Maskell fails to disclose, teach or suggest a fourth internal zone or a fluid passage connecting the fourth internal zone to an external fluid circuit. There would be no point to modifying the breathing apparatus of Maskell to utilize the device of Muller because Maskell has no function for a fourth internal zone. Additionally, such a modification would needlessly add expense and complicate its construction and operation. Moreover, without identification of another external fluid circuit, the fourth fluid passage would necessarily open into water thereby rendering the hypothetical device unsafe and/or inoperable. Thus, Applicants respectfully request that the rejection be withdrawn.

Claims 14 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Muller in view of U.S. Patent No. 4,501,297 (Baker). As discussed above, Muller fails to disclose, teach, or suggest and Baker fails to cure that deficiency. Thus, Applicants respectfully request that the rejection be withdrawn.

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

A Petition for a One Month Extension of Time has been contemporaneously submitted with this Amendment along with the associated fee. Otherwise, it is believed that no other fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

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